

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

LARRY A. NATZKE,
d/b/a Larry Natzke Trucking,

Plaintiff,

vs.

Case No. 17-CV-637

PACCAR, INC.,
d/b/a Kenworth Truck Company

Defendant.

ORDER APPROVING SETTLEMENT

Based upon the Stipulation of the parties, IT IS HEREBY ORDERED that:

1. Within 30 days after receipt of the signed Order Approving Settlement, PACCAR, Inc. d/b/a Kenworth Truck Company (hereinafter "PACCAR"), shall pay the Plaintiff, Larry Natzke d/b/a Larry Natzke Trucking the sum of \$50,000.00 in full settlement of his claims in the above-captioned matter (this includes any claim for interest). Plaintiff will execute a full and complete Release of the Defendant, which shall not include confidentiality, hold harmless or indemnification provisions.

2. PACCAR shall pay the Plaintiff's reasonable attorney fees and costs incurred in bringing this action; the parties agree to have the Court decide the reasonable amount of costs and attorney fees to be awarded to the Plaintiff in accordance with sec.

218.0171, Wis. Stats., based upon applicable law; the parties agree to utilize the following procedure:

- a) The Plaintiff will file a motion regarding the attorney fees and litigation costs which have been incurred in this matter within 30 days after receipt of the signed Order Approving Settlement; Plaintiff agrees to provide Defendant with an itemization of the claimed fees and costs at the time the motion is filed, as well as any documentation in support thereof;
- b) PACCAR will have 60 days from its receipt of such motion materials to either pay the attorney fees and litigation costs claimed by the Plaintiff or provide the Court and the Plaintiff with a written response to the Plaintiff's motion for attorney fees and litigation costs, as well as any materials it wishes to submit in support thereof;
- c) The Plaintiff will have 30 days from receipt of PACCAR's written response to provide the Court and PACCAR with a written reply to PACCAR's written response, as well as any materials in support thereof;
- d) During the pendency of the fee motion, the District Court retains jurisdiction to decide any procedural or substantive issues related thereto; and
- e) Thereafter, the Court shall determine the reasonable amount of attorney fees and litigation costs to be awarded to the Plaintiff in accordance with §218.0171, Wis. Stats. upon such written materials submitted by the parties, unless the Court determines that a hearing is necessary.

3. Once the Court has made a decision regarding the amount which PACCAR shall be required to pay to Plaintiff's attorneys, PACCAR shall have the opportunity to pay such fees within 30 days of the Court's decision. If payment is not made within that time parameter then such award shall be reduced to judgment (the judgment shall provide that the amount owed is to be made payable to Plaintiff's counsel).

The parties reserve their right to appeal the Court's decision and order regarding the attorney fee and cost award or any part thereof.

In the event none of the parties exercise their right to appeal and a judgment has not been entered, the underlying action shall be dismissed with prejudice on its merits upon receipt of payment of the fees awarded by the Court; if judgment has been entered Plaintiff's counsel shall sign a satisfaction of judgment upon payment of the amount due pursuant to the judgment.

Dated this 26th day of October, 2018.

BY THE COURT:

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court